

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TERON FRANKLIN,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 3:18-CV-0522-MMD-CLB

**ORDER DENYING REQUEST FOR
SCHEDULING CONFERENCE; ORDER
RE: PAYMENT OF FILING FEE**

[ECF Nos. 54, 55]

Before the Court is Plaintiff Teron Franklin's ("Franklin") motion requesting a scheduling conference for interpleader actions, and motion re filing fee. (ECF Nos. 54, 55.) Defendants' filed an opposition. (ECF No. 57.)

First, this case is a civil rights action filed pursuant to 42 U.S.C. § 1983 not an interpleader action which is a procedure in which persons having potentially conflicting claims against an asset asks the court to decided who has rights to that asset.

Second, a case management conference was held in this case on April 19, 2021. (ECF No. 32.) At the case management conference, the parties were advised that 180 days would be permitted for discovery. (*Id.*) On the same date, a scheduling order was issued with a discovery deadline of October 18, 2021. (ECF No. 33.) Defendants filed a motion for summary judgment on November 17, 2021. (ECF No. 47.) Franklin sought and received an extension of time to February 7, 2022 to oppose Defendants' motion for summary judgment. (ECF No. 55.) Franklin now claims that he never received the scheduling order so he conducted no discovery because he didn't know the discovery deadline. Even assuming *arguendo* that Franklin did not receive a copy of the scheduling order, he was told at the case management conference in open court that discovery would end 180 days from April 19, 2021. (ECF No. 32.) Franklin is not a first-time litigant before this Court. See Case Nos. 2:15-CV-01727-JCM-GWF, and 3:17-CV-0569-MMD-CLB. At no time between April 19, 2021 to November 17, 2021 did Franklin seek a copy of the

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2 scheduling order in this case. Therefore, Franklin's motion requesting a scheduling
3 conference is **DENIED**. (ECF No. 54.)

4 Franklin's motion to inform the Court of payment of the filing fee, (ECF No. 55), is
5 also **DENIED**. As stated above Franklin has numerous cases before this Court as well
6 as appeals before the Ninth Circuit, each one with a separate filing fee. If Franklin has
7 questions as to which case he is currently paying a filing fee, he shall contact the Chief
8 of Inmate Services for the Nevada Department of Prisons.

9 **DATED:** January 14, 2022.

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12 **UNITED STATES MAGISTRATE JUDGE**
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